

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MY HEALTH, INC)
)
Plaintiff,) CIVIL ACTION NO. 2:14-CV-00652-JRG
)
v.) LEAD CASE
)
ALERE, INC.)
)
Defendant.)

MY HEALTH, INC)
)
Plaintiff,) CIVIL ACTION NO. 2:14-CV-00654-JRG
)
v.) CONSOLIDATED CASE
)
CARDIOMEDIX, INC.)
)
Defendant.)

UNOPPOSED MOTION TO WITHDRAW AS COUNSEL

Counsel for Cardiomedix, Inc. (“Cardiomedix”), Banner & Witcoff, Ltd. (“Banner & Witcoff”), hereby moves to withdraw from representation of Cardiomedix during these proceedings pursuant to Local Rule CV-11(d), and in support of said Motion, states as follows:

1. Irreconcilable differences have arisen by and between Banner & Witcoff and Cardiomedix relating to Cardiomedix’s inability and/or willingness to pay legal fees associated with Banner & Witcoff’s continued representation in this case.
3. As a direct consequence of these irreconcilable differences, Banner and Witcoff’s effective representation of Cardiomedix is not possible.
4. Cardiomedix consents to the present motion.

5. Banner & Witcoff requests that the present motion to withdraw be heard during the Scheduling Conference on January 20, 2014.

Accordingly, pursuant to Local Rule CV-11(d), Banner & Witcoff respectfully requests that it be allowed to withdraw as counsel on behalf of Cardiomedix.

Respectfully submitted,

Dated: December 23, 2014

/s/ V. Bryan Medlock, Jr.

V. Bryan Medlock, Jr. (State Bar No. 13897000)

Jon Nelson

Jason S. Shull

BANNER & WITCOFF, LTD.

10 S. Wacker Drive, Suite 3000

Chicago, Illinois 60606

Telephone: (312) 463-5000

Faxsimile: (312) 463-5001

Attorneys for Defendant Cardiomedix, Inc.

CERTIFICATE OF SERVICE

This is to confirm that a copy of the foregoing was electronically filed on December 23, 2014. A true and accurate copy of the foregoing will be served electronically to designated CM/ECF participant counsel through the Court's electronic filing system.

/s/ V. Bryan Medlock, Jr.
Counsel for Defendant, Cardiomedix, Inc.

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i), this Certificate states:

- (1) Counsel for Cardiomedix, Inc. ("Cardiomedix") certifies that the meet and confer requirement set forth in Local Rule CV-7(h) has been satisfied. Specifically, on Tuesday, December 23, 2014, Counsel for Cardiomedix, Jason S. Shull, corresponded with Plaintiff's counsel, Elizabeth DeRieux, regarding the present motion to withdraw. Plaintiff does not oppose the present motion.
- (2) Accordingly, the motion is unopposed.

/s/ V. Bryan Medlock, Jr.
Counsel for Defendant, Cardiomedix, Inc.